United Nations A/C.3/53/SR.23

General Assembly
Fifty-third session

Official Records

Distr.: General
10 November 1998

Original: English

Third Committee

Summary record of the 23rd meeting
Held at Headquarters, New York, on 23 October 1998, at 10 a.m.

Chairman: Mr. Hachani ..... (Tunisia)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 10.25 a.m.

Agenda item 108: Elimination of racism and racial discrimination (A/53/18, 255, 256, 269 and 305; A/C.3/53/2)

Agenda item 109: Right of peoples to self-determination (A/53/131-S/1998/435, A/53/205-S/1998/711, A/53/280 and A/53/338)

1. **Mr. Glèlè Ahanhanzo** (Special Rapporteur of the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance), introducing item 108 and his report (A/53/269) prepared pursuant to resolution 52/109, said that racism, racial discrimination and xenophobia continued to pose a serious challenge to the promotion of human rights. Certain organizations encouraged hatred towards ethnic or racial minorities, immigrants and indigenous populations in order to disguise their own inadequacies.

2. The Office of the High Commissioner for Human Rights should include a programme on its website, condemning the use of the Internet to incite racial hatred and disseminate racist, neo-fascist and neo-Nazi propaganda. It should underline the positive aspects of cultural and racial diversity, citing positive examples of harmonious co-existence between different racial and ethnic groups.

3. Extreme-right parties were gaining electoral ground, supported by increasingly violent groups exhibiting some of the most virulent manifestations of racism, and xenophobia. The Progress Party in Norway – which, contrary to his report, had only 21 members of Parliament – publicly expressed its horror at the presence of foreigners and ethnic minorities in its society. The growing power of such parties, albeit with fluctuating electoral success, called for constant monitoring by an observer mechanism within the Office of the High Commissioner.

4. The massacre of thousands of Hazaras in Afghanistan and the "ethnic cleansing" of Albanians in Kosovo were tragic manifestations of the manipulation of ethnicity for political purposes. The political configuration of many African countries was characterized by ethnic considerations, so that any power imbalance inevitably led to ethnic conflict. It was difficult for liberal democracy based on individual rights and human dignity to take root in Africa, despite some encouraging signs of change.

5. The Special Rapporteur had benefited from high levels of cooperation during his missions to Brazil, Colombia, France, Germany, Kuwait, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and hoped to undertake a mission to Asia in the near future. Certain countries had already implemented his recommendations, others had expressed their intention to do so, while yet others had not yet reacted. The French Government, for its part, had indicated its willingness to implement them. The Special Rapporteur said that he remained fully committed to dialogue concerning developments in the countries he had visited.

6. The struggle to combat racist ideologies and discriminatory practices was of the utmost urgency, as preparations began for the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance, to be held not later than 2001, in accordance with General Assembly resolution 52/111. The Conference should examine the psychological, social, political and economic factors that made individuals receptive to racism, in view of forecasts concerning future ethnic and racial conflict.

7. **Mrs. Stamatopoulou-Robbins** (Deputy Director, Office of the United Nations High Commissioner for Human Rights, New York Office) said that the debates in the Committee on the Elimination of Racial Discrimination had shown that racial discrimination and ethnic divisions persisted in too many countries. As indicated in its report (A/53/18), the Committee had adopted substantive decisions under its "prevention procedures" concerning Bosnia and Herzegovina, the Democratic Republic of the Congo, Kosovo, Papua New Guinea and Rwanda, while two additional decisions concerning Australia and the Czech Republic were pending.

8. Since reporting delays created obstacles to the Committee's monitoring role and to the universal implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee continued to consider implementation without a report, where a State party had failed to submit a report for at least five years. That procedure did not, however, eliminate the need for dialogue and for comprehensive State reports.

9. Among the Committee's suggestions for the agenda of the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance were the following topics: current realities in the aftermath of slavery and colonialism; economic globalization and racial equality; treatment of migrants, refugees, asylum-seekers and displaced persons; prevention of racial discrimination through early warning and urgent procedures and through education; remedies, redress mechanisms and reparations for

racial discrimination; hate speech and tolerance in the digital age; and the professional development of international mechanisms to implement the Convention. For its part, the Committee would participate both in preparations for the Conference and in the Conference itself.

10. Although a large number of States had ratified the Convention, much remained to be done to ensure compliance. Individuals and groups should be able to register complaints under article 14 of the Convention; however, that procedure was currently limited to 25 States, and progress had therefore been very limited.

11. As for the Committee's financial situation, outlined in his report (A/53/255), the Secretary-General had taken measures to provide for the financing of the Committee from the United Nations regular budget. However, a two-thirds majority of States parties was still needed in order for the corresponding amendment to article 8 of the Convention to enter into force.

12. With regard to the forthcoming World Conference, the Office of the High Commissioner would work with the Department of Public Information to devise and implement an information campaign, drawing attention to the importance and objectives of the Conference. It would facilitate and organize inter-agency cooperation and support the initiatives of intergovernmental and non-governmental organizations. The Office would also submit a preliminary report on the objectives of the Conference to the Commission on Human Rights.

13. Turning to the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (1993–2003) she noted that, as indicated in the report of the Secretary-General (A/53/305 para.22) few of the activities planned for the first half of the Decade had been carried out, because of lack of contributions. She appealed to States to contribute to the Trust Fund for the Programme of Action, whose activities should focus on the preparations for the Conference.

14. In that regard, the Office of the High Commissioner would conduct a number of seminars and worldwide consultations on Conference-related themes, such as refugees and ethnic conflict and measures to combat racial discrimination through education and culture.

15. The Committee had called on the General Assembly to declare 2001 the year against racism and racial discrimination, and had invited all Governments and relevant organizations to implement the Programme of Action for the Third Decade in preparation for the Conference itself.

16. Turning to agenda item 109, she said that, while the international community had seen the end of apartheid and the advent of democracy in South Africa, there were still 17 Non-Self-Governing Territories which could not fully exercise their right to self-determination. In keeping with the special attention which it accorded to the right to self-determination, the Commission on Human Rights had adopted two resolutions at its most recent session on the situation in occupied Palestine and on Western Sahara.

17. She drew attention to the report of the Secretary-General on the item (A/53/280), and also to the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/53/338, annex).

18. **Mr. Ölz** (Austria), speaking on behalf of the European Union, asked the Special Rapporteur on racism for suggestions as to how States could raise public awareness about the dangers of racism. He wanted to know how cooperation worked between the Special Rapporteur, the racism project team (A/53/305, para.10) and the Committee on the Elimination of Racial Discrimination, and whether he had any proposals for enhancing that cooperation strategically.

19. **Mr. Winnick** (United States of America) wanted to know what ideas the Secretary-General had in order to ensure that the activities for the Third Decade and the World Conference could be funded from existing resources.

20. **Mr. Rabuka** (Fiji) asked the Deputy Director of the Office of the High Commissioner whether she could suggest means for ensuring the involvement of the administering Powers with the Special Committee on Decolonization, so that that Committee could fulfil its mandate by the year 2000. With the exception of Portugal and New Zealand, their cooperation had been difficult to secure hitherto.

21. **Mr. Glèlè-Ahanhanzo** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), in response to the question on the work of the Office of the United Nations High Commissioner for Human Rights, said that there was a working group in Geneva which coordinated the work undertaken by the various bureaux and committees. With regard to measures to reduce ethnocentrism and eliminate ethnic cleansing, his experience had highlighted the importance of ethnic factors and xenophobia in racist attitudes. He recommended that political leaders, schools and the media be utilized to raise awareness of racism, and that subregional conferences should be organized to prepare for the forthcoming World Conference. With regard to the

Internet, he encouraged the developed countries to work together to prevent that medium from being used to violate human rights, while at the same time protecting the legitimate right to freedom of expression.

22. **Mrs. Stamatopoulou-Robbins** (Deputy Director, Office of the United Nations High Commissioner for Human Rights, New York Office), in response to the question from the United States, said that some suggestions had been made concerning regular-budget funding of activities for the Third Decade, and delegations would be informed when a final decision had been made. In response to the question from the representative of Fiji concerning the right to self-determination of the Non-Self-Governing Territories, she said that she was not aware of any specific plans but would relay the question to the High Commissioner.

23. **Mr. Yu Wenzhe** (China) said that his delegation was encouraged by the progress made in the 50 years since the adoption of the Universal Declaration of Human Rights, but stressed that new forms of racial discrimination continued to plague the world and extremism was increasing.

24. The forthcoming Conference, as the first world conference of the United Nations in the twenty-first century, would draw worldwide attention. Accordingly, the international community, through the United Nations, should highlight the scourges of racism and racial discrimination, and should make the fight against new forms of racism and violations of human rights a matter of priority. The Committee on the Elimination of Racial Discrimination and other United Nations bodies must have sufficient resources to build on the achievements of the past and to continue their efforts during the Third Decade to Combat Racism and Racial Discrimination. States must work to eliminate the causes of new forms of racism in order to achieve genuine equality. Member States and the United Nations should also study and agree upon measures to prevent the use of the Internet and modern media as means of inciting racism.

25. He observed that the right to self-determination was an important component of human rights and stressed that no country should impose its own ideology or social system on other countries or violate their boundaries. The right to self-determination should not however be construed as authorizing or encouraging any action which would impair the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and led by a Government representing the population as a whole, without distinction of any kind.

26. With regard to the Middle East, he declared that the early settlement of the Palestinian question in a just and reasonable manner, including the Palestinian's right to self-determination, was the key to lasting peace and stability. Negotiations to that end were not only in the best interests of the Arab and Israeli peoples but would also contribute to peace and stability in the world. He hoped that the parties concerned, in accordance with the relevant United Nations resolutions and fully respecting agreements already reached, further guided by the principle of land for peace, would adopt flexible and pragmatic positions in order to move the peace talks forward.

27. **Ms. Boyko** (Ukraine) said that, despite Member States' commitment to the fight against racism, that evil persisted and neo-fascism and neo-Nazism were resurgent in many parts of the world. New conceptual approaches were necessary, and she stressed the importance of maintaining the Special Rapporteur's independence. Exchanges of information on good practices and strategies, such as the national integration policies already in place in some countries, were also very useful.

28. The European Year against Racism had highlighted the threat posed by racism and encouraged discussion on measures to combat that evil. Such efforts should be viewed within the broader context of universal human-rights protection, which was one of the fundamental elements of the international security system. Her delegation fully supported the holding of a United Nations world conference on racism, and stressed that it should focus on all forms of racial intolerance and address that question in a result-oriented manner. The Conference should be preceded by proper preparations at the national and regional levels.

29. She stressed that all States must implement the International Convention on the Elimination of All Forms of Racial Discrimination as an integral part of the Programme of Action for the Third Decade, and appealed to all States to ratify or accede to the Convention as soon as possible in order to make it universal. She pointed out that national Governments bore the primary responsibility for eliminating racial discrimination in their territories. Her Government, for example, forbade racial discrimination and attached special importance to protecting the rights of national minorities.

30. Turning to item 109, she stressed the complexity of the principle of self-determination, and noted that the era of empires and colonial oppression was over. States had proven their determination to implement the standards regarding human rights and peoples' rights, as had been clearly shown by the 1993 World Conference on Human Rights. She stressed that the principle of self-determination did not automatically imply the right to territorial cessation and that

there was a distinction between territorial secession and territorial separatism. While recognizing the inalienable right of peoples to self-determination, her delegation believed that that right should be consistent with international law, the United Nations Charter and the Helsinki Final Act, taking into account national legislation, internal and external factors and historical background.

31. The situation of colonial or occupied peoples was different from that of national minorities living in the territories of modern States as a result of natural historical processes. The right to self-determination should be exercised on the basis of three major conditions: adherence to the principles of democracy, protection of human rights and the rights of national minorities; the inviolability of State borders; and peaceful resolution of disputes. Failure to respect the territorial integrity of States would threaten international peace and security. A universal standard for application of the principle of self-determination would ensure fair and flexible solutions for possible conflicts of interest with a view to preventing confrontation in inter-ethnic and inter-State relations.

32. She expressed concern at the continuing use of mercenaries in many regions of the world and called on Member States to prohibit the recruitment, training, assembly, transit, financing and use of mercenaries.

33. She appealed to the international community to demonstrate solidarity and create the necessary conditions for all peoples to implement in a civilized manner their right to free choice and to development.

34. **Mr. Bernales Ballesteros** (Special Rapporteur on the use of mercenaries) introduced his report (A/53/338, annex), prepared in accordance with General Assembly resolution 52/112, and urged the Office of the High Commissioner for Human Rights to publicize the adverse effects of mercenary activities on the right to self-determination, as requested in that resolution.

35. He reported that Member States were showing increasing willingness to introduce legislation prohibiting all forms of mercenary activities. In response to a request from the United Kingdom, he would visit that country in January 1999 to investigate private-security and military-assistance companies which were recruiting mercenaries in the international market place. He also pointed out that he had received new information from the Government of Cuba not contained in his report concerning mercenary attacks on that country in July 1997 and he would be visiting that country to investigate those incidents.

36. With regard to mercenary activities in Africa, as detailed in his report, he wished to draw specific attention to the situation in Sierra Leone. The legal government had been returned to power and the Revolutionary United Front had been defeated, thanks to the peace initiatives of ECOMOG (Economic Community of West African States Cease-fire Monitoring Group) and the Organization of African Unity. However, he had information concerning the involvement of Sandline International, a private-security company which used mercenaries, in the return to power of the legal government. That company had been involved in tactical and strategic planning, had exported military equipment and helicopters to Sierra Leone in spite of the embargo imposed by the United Nations, had provided the services of military advisers and was reported to be still operating in the country. He therefore stressed the need to study fully the activities of such companies and to take steps at the international level to limit their activities and to reaffirm the sovereignty of States and their security obligations.

37. He expressed concern at the link between terrorism and mercenary activities and called on the committees and working groups dealing with the issue of terrorism to study the involvement of mercenaries in terrorist activities. A paid mercenary, in using his skills to kill and wreak havoc, became a terrorist. Extremist organizations which preached violence and terrorism often attracted mercenaries, and such groups also hired mercenaries to commit violent acts.

38. The international community, the right to self-determination and the human rights of peoples were inadequately protected against mercenary activities. His report therefore recommended that the General Assembly should reiterate its condemnation of mercenary activities and proposed practical measures to enable the United Nations to contribute to the elimination of mercenary activities, in keeping with its commitment to the full respect of human rights.

39. **Mr. Ölz** (Austria) asked the Special Rapporteur on the use of mercenaries whether a broader definition of mercenaries could be established under customary international law and whether any work was being conducted on that question in other international or expert bodies. It would also be useful to have further information on the link between terrorism and mercenary activities.

40. **Mr. Bernales Ballesteros** (Special Rapporteur on the use of mercenaries) said that, aside from a number of United Nations resolutions that condemned mercenary activities, article 47 of Protocol I Additional to the Geneva Conventions of 1949, as indicated in his report (A/53/338,

annex, para. 48), was the only universal international provision in force which contained a definition of a "mercenary". It punished him by excluding him from the category of combatant or prisoner of war, which amounted to condemning him for his participation in armed conflicts. The International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted in 1989, had still not entered into force because only 16 of the required 22 countries had ratified or acceded to it. The definition in article 47 did not fully reflect the current state of affairs and the new ways in which mercenaries operated. For example, it made no mention of the private security companies that hired mercenaries.

41. On the basis of information from reports and from visits that he had made to various countries in Africa, Latin America and Europe, it was clear that there were gaps in international law, which had not been further developed to take into account changes in mercenary activities. A number of university professors in Geneva and Belgium and institutions linked to British and South African universities had provided him with reports on their research into mercenary activities. That information could be placed at the disposal of the General Assembly and Member States in order to accelerate ratification of or accession to the Convention against Mercenaries. The Convention itself was an indispensable instrument and could be improved once it had entered into force. The current legal vacuum in that field, however, was being used by mercenaries in order to operate with impunity.

42. The link between terrorism and mercenary activities was a matter of great concern. In some cases, members of terrorist organizations themselves carried out acts of mercenarism. In others, the terrorist organizations hired mercenaries to carry out such acts. For example, the well-known Venezuelan terrorist, Carlos, had acted as a mercenary for such organizations and had carried out various terrorist attacks.

43. The Cuban Government had provided information on terrorist attacks carried out against tourist facilities in Cuba by Salvadoran and Guatemalan nationals operating as mercenaries. Moreover, the exhaustive investigations conducted after the recent terrorist attacks in Kenya and Tanzania demonstrated that both the terrorist organizations and the perpetrators of the attacks could be identified.

44. **Mr. Manz** (Austria), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and, in addition, Iceland said that respect for human rights and fundamental freedoms without distinction was a fundamental rule of international human rights law. Racism and racial discrimination contradicted the basic principles of the Universal Declaration of Human Rights. Racist attitudes, which were rooted in cultural and socio-economic factors, had contributed to the disruption of social cohesion.

45. The European Union believed that it was crucial to intensify efforts to combat racism and intolerance, pursuing all avenues, to ensure that neither national legislation nor, administrative practice nor behaviour discriminated among persons on the basis of race, culture or ethnic origin. In tackling racist attitudes, it was particularly important to raise awareness among young persons, teaching them tolerance and the dangers of racism and xenophobia. Civil servants, officers of the court and immigration and police authorities should also be included in such efforts. Human-rights education in all sectors of society was a key to promoting respect for the human rights of others.

46. The contribution of the United Nations remained crucial. Enhanced participation in the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination was an important tool in achieving improved results at the global level. The European Union welcomed the establishment in the Office of the United Nations High Commissioner for Human Rights of a racism project team which promoted liaison with other United Nations departments, programmes and agencies as well as the exchange of information with Member States, intergovernmental and non-governmental organizations.

47. Regional organizations also played an important role. The European Union wished to highlight the work done by the Council of Europe and the European Commission against Racism and Intolerance, including the drafting of an additional protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, broadening the field of application of the non-discrimination clause. Other important steps were the entry into force in early 1998 of the Framework Convention for the Protection of National Minorities and of the European Charter for Regional or Minority Languages.

48. The European Union believed that ratification of or accession to the International Convention on the Elimination of All Forms of Racial Discrimination on a universal basis was necessary for the realization of the goals of the Third Decade as well as for the promotion of the Convention's global objective. The achievement of universal ratification of such a core human rights treaty should be accorded high priority on the agenda of the World Conference against

Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held by the year 2001.

49. The European Union supported the work of the Committee on the Elimination of Racial Discrimination in monitoring the implementation of the Convention. It called on all States parties to fulfil their reporting obligations and to take appropriate steps to follow up on the Committee's conclusions. The European Union also reiterated its support for the Special Rapporteur on contemporary forms of racism, and encouraged closer cooperation between the Special Rapporteur and that Committee.

50. The process leading up to the World Conference offered an opportunity to address the substantial potential for conflict created by racism and ethnic discrimination. The World Conference must comprehensively address all forms of racial intolerance. Its outcome should be effective, action-oriented and encompass practical measures, such as prevention, education, protection and effective remedies, taking into full consideration existing instruments. The year 2001 would become a year of worldwide mobilization to draw the world's attention to the objectives of the Conference and give new momentum to existing commitments.

51. With regard to the preparation of the World Conference, the European Union hoped that the process would gain pace through relevant activities. It should be stressed that all sectors – Governments, specialized agencies and other relevant components of the United Nations system, regional organizations and non-governmental organizations in particular – would have an important role to play. Equally, the European Union invited the Committee on the Elimination of Racial Discrimination, the Subcommission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteur to transmit ideas and recommendations through the United Nations Commission on Human Rights. The United Nations High Commissioner for Human Rights could rely on the support of the European Union in the coordination of preparations.

52. Preparatory work for the Conference was also being carried out regionally under the auspices of the Council of Europe. Questions of tolerance, non-discrimination and protection of national minorities were also the subject of periodic meetings within the framework of the human dimension of the Organization on Security and Cooperation in Europe (OSCE).

53. The European Union was based on the principles of tolerance and respect for others. In fact, the creation of an order based on non-discrimination and human rights had been the underlying concern of the European movement since its inception. The European Union was committed to fighting racism, xenophobia and intolerance both within and outside the Union. Partners in civil, social, political and cultural life had joined efforts and were continuously striving to build and maintain a Europe based on democratic principles and on the diversity of culture and languages, a Europe where social justice was promoted and rights were protected.

54. The inclusion of a non-discrimination clause in the Treaty of Amsterdam of 1997 enabled the Union to take appropriate action to combat discrimination, including transnational crime related to racism and xenophobia, as well as to improve police and judicial cooperation in that regard.

55. The European Year against Racism (1997) had prompted numerous measures in all European Union member States, which had helped to increase awareness and activated initiatives leading to a number of new partnerships and networks. Building on the achievements of the Year, the European Commission had drawn up a comprehensive Action Plan for combating racism, paving the way for new legislative measures for implementing the new non-discrimination clause. The plan was aimed at mainstreaming the fight against racism in all policies and programmes of the European Union and supported innovative pilot projects and networks in strengthening information and communication activities. One significant outcome of the Year was the establishment of the European Monitoring Centre for Racism and Xenophobia, whose primary goal was to provide objective, reliable and comparable data on the phenomena of racism, xenophobia and anti-Semitism in order to formulate courses of action. The Centre was studying the extent of racist phenomena in order to analyse their causes and effects and to examine examples of good practice. The Centre was expected to play an important role in the European Union's contribution to the preparation of the World Conference.

56. Turning to item 109, on the right of peoples to self-determination, he said that that right was firmly established in the Charter of the United Nations and the major international instruments on human rights, and was of continuing importance as part of a framework of international human rights. Its realization was a process that required the effective guarantee, observance and promotion of human rights by all States. Central to the enjoyment of the ideals of self-determination was the right of all persons to participate in public affairs, directly or through freely chosen representatives. Governments must be elected through genuinely free and periodic elections and States must provide channels for participation of people in decisions which affected their lives.

57. Moreover, effective popular participation was an essential component of successful and lasting development, and included persons belonging to minorities and indigenous populations. Democracy, the rule of law and human rights empowered people to shape the societies in which they lived. The European Union believed that democracy and good governance were essential for the protection of all human rights. The European Union was committed to supporting the efforts of democratically elected governments to strengthen the rule of law and create accountable and democratic institutions. It appreciated the important role of the United Nations in that regard as well as that of the OSCE Office for Democratic Institutions and Human Rights.

58. He commended the work of the Electoral Assistance Division as a focal point for all requests to the United Nations in the field of electoral assistance, and of the United Nations Development Programme for its good governance programmes. The European Union was supporting many of those activities and would continue to work closely with the United Nations.

59. **Mr. Zimeevsky** (Russian Federation) said that the forthcoming World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance should ensure a comprehensive approach to all forms of contemporary racism, taking into account the situation of minorities, who were frequently the target of discrimination and oppression. In the preparations for the Conference, the question of minorities should be adequately reflected in the reports being prepared by the Office of the United Nations High Commissioner for Human Rights, the studies conducted by the Committee on the Elimination of Racial Discrimination, and materials provided by the Subcommission on Prevention of Discrimination and Protection of Minorities. The Conference itself should define specific ways for counteracting contemporary racism and aggressive nationalism.

60. The International Convention on the Elimination of All Forms of Racial Discrimination was the universal legal basis for the efforts of the international community to overcome racism. In March 1998, the Russian Federation had submitted its fourteenth periodic report to the Committee on the Elimination of Racial Discrimination, which had favourably assessed the measures taken by his country to protect human rights. Ensuring the equality of citizens regardless of nationality, language and religion was an essential condition for the existence of the Russian Federation as a multinational, multireligious and multicultural State. One of its priority tasks was to adapt its legislation and law enforcement in that field to the standards of the Council of Europe.

61. Turning to item 109, he said that the transition to a "multipolar" world order required a creative interpretation of the right of peoples to self-determination, which should be viewed in the context of its organic link to other imperatives of international law, particularly respect for territorial integrity and State sovereignty. Elevating national self-determination to an absolute principle was fraught with serious danger for international and regional peace and security. The 1970 Declaration on Principles of International Law provided that the right to self-determination should not be construed as authorizing or encouraging any action which would dismember or impair the territorial integrity or political unity of sovereign and independent States and that the principles set forth in the Declaration were interrelated.

62. The problem of self-determination must be solved on the basis of various forms of real self-government on the part of national minorities, without calling into question the territorial integrity of the States in which they resided. The system of federalism provided for under the Russian Constitution created conditions for developing cultural and State autonomy of nationalities in accordance with the principles of equality and the self-determination of peoples with respect for the territorial integrity of the Federation as a whole. The regions of the Russian Federation were currently taking independent decisions on a number of economic, social and political questions. At the same time, the mechanism for interaction between federal and regional governmental structures was being improved. Elections were essential to democratic self-determination. Peoples could determine their fate only through the democratic process and by developing self-determination within a State framework.

63. **Mr. Kolby** (Norway) said that those States that had not yet done so should ratify or accede to the International Convention on the Elimination of All Forms of Racial Discrimination. He noted that, so far, only 25 States had made the declaration provided for under article 14 allowing their citizens to bring claims of racial discrimination to the attention of the Committee. He hoped that the preparations for the forthcoming World Conference would provide an impetus to States to make such a declaration.

64. The Conference offered States a unique opportunity to strengthen their commitments to combat racism. Norway intended to involve a broad range of representatives from civil society in the preparatory meetings for the Conference and would facilitate in particular the involvement of non-governmental human-rights organizations.

65. No nation could claim to be free from racism and Norway was no exception. Although everyone in Norway enjoyed equal rights, regardless of national or ethnic

background, the unemployment rate for immigrants from third-world countries was much higher than that of the rest of the population. Discriminatory practices were partly to blame. His Government was acutely aware of those cases of racial discrimination and the need to address them adequately.

66. The Government had recently adopted a plan of action against discrimination focusing on measures to secure equal opportunities in the housing and labour markets and increase multicultural understanding in key service sectors. The recently established centre for combating ethnic discrimination was mandated to help victims of discrimination and propose preventive measures. Norway valued the United Nations mechanisms for combating racism and emphasized the importance of providing sufficient resources to its human rights machinery.

67. **Mr. Kanju** (Pakistan), speaking on item 109, said that the right to self-determination was one of the most important human rights and the foundation of the principles enshrined in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments. Since its inception, the United Nations had played a commendable role in the struggle of peoples to realize their right to self-determination from foreign and colonial occupation. The validity of that principle was reflected in the tremendous increase in the membership in the United Nations over the years. The realization of that right in South Africa, Namibia, and elsewhere had greatly enhanced the prestige of the Organization. Pakistan hoped that the ongoing efforts for a peaceful solution in the Middle East would culminate in a lasting peace on the basis of the Palestinian people's right to self-determination.

68. Turning to his own region, he said that Jammu and Kashmir represented the oldest dispute on the agenda of the United Nations Security Council, as the Kashmiri people had been denied their right to self-determination by India since 1947. Since that time, numerous resolutions adopted by the Security Council and the United Nations Commission for India and Pakistan had reaffirmed the right to self-determination of the Kashmiri people. Both India and Pakistan had agreed to those resolutions, yet India had reneged on its solemn commitments to the international community and the people of Jammu and Kashmir.

69. He outlined seven points contradicting India's claim that the people of Jammu and Kashmir had exercised their right to self-determination through "elections" held in 1951 and through decisions of the Constituent Assembly. Among the reasons cited to refute India's claim, he noted that the Kashmiri people had never been provided an opportunity for free and impartial expression through fair elections. Furthermore, a special mission of the International Commission of Jurists in 1995 to Indian-occupied Kashmir had confirmed that the right of the people of Jammu and Kashmir had not been exercised as promised in Security Council resolutions. The status of the provinces as a disputed territory had been further recognized in other contexts by the United Nations and the international community, including in the annual report of the Secretary-General, and in recent statements by the five permanent members of the Security Council and the Group of 8 major industrialized nations.

70. India had contravened the solemn pledges of its founding fathers by sending its army into Kashmir. The brutal use of force had claimed the lives of 60,000 Kashmiris over the past decade. Rape, unlawful detention and other tactics had been used by the Indian Government to suppress the indigenous struggle of the people of Jammu and Kashmir to secure their right to self-determination.

71. Under the leadership of the All Parties Hurriyat Conference, the people of Jammu and Kashmir remained determined to achieve their inalienable right to self-determination as enshrined in relevant United Nations Security Council resolutions. The denial of that right had been the source of conflicts and tensions between Pakistan and India over the past 50 years. India's unprovoked violations along the line of control had further exacerbated tensions and instability in the region.

72. Pakistan was committed to resolving all outstanding issues with India peacefully through dialogue. That was all the more important in a nuclearized South Asia. The ongoing tragedy warranted a proactive role by the United Nations, and he urged the Secretary-General to take appropriate initiatives to implement Security Council resolutions on Jammu and Kashmir. The rest of the international community also had an abiding responsibility to facilitate a just solution to the Jammu and Kashmir dispute that would usher in an era of peace and prosperity in the region.

The meeting rose at 12.20 p.m.